

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

KEVIN MICHAEL BOON-BEY,
ANAJANAY SHEREE BOON, a minor
child, KATELYN MAKAYLA BOON, a
minor child, KEVIN MICHAEL BOON
JR., a minor child, PARIS IVE-LEE
HICKENBOTTOM, a minor child, and
SHERRY MARIE BOON, a minor child,

Plaintiffs,

v.

Case No. 19-C-0985

AUDREY SKWIERAWSKI and
RYAN SANSON,

Defendants.

ANSWER

PLEASE TAKE NOTICE that the Defendants, by Wisconsin Attorney General Joshua L. Kaul and Assistant Attorney General David C. Rice, answer the complaint and respectfully admit, deny, and allege as follows:

1. Admit.
2. Admit that the Plaintiffs reside in Milwaukee County, deny that each minor child is an enrolled member of the Chata/Choctaw Musgokee Yamassee Nation, and deny the remaining allegations for lack of adequate information to form a belief as to the truth of the allegations.

3-4. Admit except deny that either Defendant harmed the Plaintiffs.

5. Admit that the minor Defendants have individual cases pending in the Milwaukee County Circuit Court, admit that Plaintiff Boon-Bey filed a motion to dismiss the individual cases and to transfer jurisdiction to the Choctaw Musgokee Yamassee Nation Tribal Court, admit that the circuit court postponed a decision on the motion, admit that the circuit court ordered a competency evaluation of Plaintiff Boon-Bey, admit that the circuit court record identifies the minor children as “Blacks” or as “African Americans,” deny that the competency evaluation violates Plaintiff Boon-Bey’s constitutional rights, and deny the remaining allegations for lack of adequate information to form a belief as to the truth of the allegations.

6. Admit that the Court has jurisdiction under 28 U.S.C. § 1331 and deny the remaining allegations.

7. Deny that the circuit court has failed to apply the Indian Child Welfare Act or treaties, admit that Plaintiff Boon-Bey filed a motion to dismiss the individual cases of the minor children and to transfer jurisdiction to the Choctaw Musgokee Yamassee Nation Tribal Court, admit that the circuit court postponed a decision on the motion, admit that the circuit court ordered a competency evaluation of Plaintiff Boon-Bey, deny that the Defendants have abridged the constitutional rights of the Plaintiffs, and deny the remaining

allegations for lack of adequate information to form a belief as to the truth of the allegations.

8-9. Deny.

10. Deny that the Plaintiffs have the right to amend their complaint “at any time.”

11. Deny.

12-17. Deny that the Plaintiffs are entitled to any relief.

AFFIRMATIVE DEFENSES

1. This action is barred by the abstention doctrine or the *Rooker-Feldman* doctrine.

2. The Defendants are entitled to Eleventh Amendment immunity, prosecutorial immunity, judicial immunity, and qualified immunity.

3. The complaint fails to state a claim upon which relief can be granted.

Dated at Madison, Wisconsin, this 29th day of July, 2019.

JOSHUA L. KAUL
Wisconsin Attorney General

s/David C. Rice
DAVID C. RICE
Assistant Attorney General
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